

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

KINSHIP CARE

This rule has been amended in compliance with State Plan requirements under Title IV-E of the Social Security Act as amended by Federal law. This rule has been revised to reflect provisions of Public Law (P.L.) 109-248, Adam Walsh Child Protection and Safety Act of 2006, which requires revised procedures for conducting criminal background checks for prospective foster and adoptive parents and provides new requirements for child abuse and neglect registry checks for prospective foster and adoptive parents and adult members of their households and the Child Abuse Prevention and Treatment Act (CAPTA), which requires criminal background checks for all prospective foster and adoptive parents and other adults living in the household. Additionally, this rule includes provisions of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351) relating to sibling placement and visitation. This rule also reflects a provision of RIGL 14-1-34, which allows the Department to authorize placement in a kinship home pending licensure for a period not to exceed six (6) months, provided that the Department has conducted DCYF and statewide criminal records checks. Additionally, the rule includes procedures for the preliminary assessment of a kinship home when an emergency placement is made pending licensure. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3686 or RI Relay, dial 711). Interested persons should submit data, views or written comments by February 27, 2009 to Dorothy Hultine, Implementation Director for Policy & Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903.

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth and Families does not discriminate on the basis of race, color, national origin or handicap in acceptance for or provision of services or employment in its programs or activities.

Patricia Martinez, Director

Kinship Care

Rhode Island Department of Children, Youth and Families

Policy: 900.0025

Effective Date: April 28, 1986 Revised Date: ~~August 20, 2001~~ Version: 54

Child safety, permanency and child and family well-being are the desired outcomes of our work with children and families. The Department will maintain a child in his or her home whenever possible; however, certain events in a child's life may require consideration of a temporary or long-term placement outside the home. It is the policy of the Department to provide the child with an out of home placement which is least disruptive to the child and family, which offers the child the most familiar and family-like setting possible and which encourages and promotes stability and permanency for the child. Therefore, the Department gives utmost consideration to a relative or "kinship" placement for the child prior to seeking a non-relative placement.

Kinship care is the full time care, nurturing and protection of the child by a relative, member of a tribe or clan, godparent, stepparent, or any adult who has a kinship bond with the child. When biological parents are not able to raise their child, kinship care allows the child to grow to adulthood in a family environment. Placement with a kinship caretaker, with whom the child has an established, supportive, caring relationship and by whom the child will be protected and provided for, can be of crucial importance to the future of the child, the family and the community. For this reason, identification of a kinship resource(s) must be pursued during the initial family assessment. The kinship resource may be able to play a supportive role in maintaining the child in the parental home, as well as providing a placement for the child if it becomes necessary to place the child out of the home in the future.

A child removed from the parental home experiences physiological and emotional trauma. Kinship care allows the child to remain within the protective and supporting arms of the extended "family" and can substantially lessen the degree of this trauma. The child is able to maintain cultural and ethnic ties and identity. A kinship arrangement usually provides a child with more stability and less disruption than other placements. In most kinship care arrangements, a child is better able to remain in contact with his or her parents and visits can often take place in a more natural manner and setting. The impact of being separated from both parents and siblings at the same time cannot be overstated. A kinship home is more often able to provide what the child welfare system cannot - a caretaker who is willing and able to provide a home for a sibling group.

For the purposes of this policy, "kin" or "relative" means an individual who is related to the child by blood, marriage or adoption. In addition to relationships by blood or marriage, consideration may also be given to placing a child with an individual who is part of the family support system such as a non-related godparent, close family friend, neighbor, clergy or other adult who has a close and caring relationship with the child. Placement with such members of the family support system holds many of the same benefits for the child as other kinship placements particularly pertaining to the decrease in placement trauma and the maintenance of consistency in at least some areas of the child's life. For purposes of licensing, kinship includes such members of the family support system.

Federal law acknowledges the value of kinship care [and provides background check requirements for caretakers](#) in the following statutes:

- [The Fostering Connections to Success and Increasing Adoptions Act of 2008 \(PL 110-351\) requires the State to make reasonable efforts to place siblings removed from their home in the same foster care, adoption or guardianship placement, or facilitate visitation or ongoing](#)

contacts with those that cannot be placed together, unless it is contrary to the safety or well-being of any of the siblings.

- The Adoption and Safe Families Act of 1997 (PL 105-89) requires the State to consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all the relevant State child protection standards.
- The Indian Child Welfare Act (ICWA) of 1978 (PL 95-608) expresses a strong preference for the placement of Indian children with kin and/or members of the tribe.
- The Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) provides a legal basis for defining kinship care as a child welfare issue in its use of the language "least restrictive, most family-like setting."
- The Multiethnic Placement Act (MEPA) of 1994 (PL 104-188) mandates that states not deny or delay placement because of race or ethnicity. In addition, this Act requires states, as a condition of federal funding, to recruit foster and adoptive families who are reflective of the ethnic and racial diversity of the children in the state.
- The Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248) requires nationwide, including fingerprinting, criminal background checks for prospective foster and adoptive parents and requires child abuse and neglect registry checks for prospective foster and adoptive parents and adult members of their households.
- The Child Abuse Prevention and Treatment Act (CAPTA) requires criminal background checks for all prospective foster and adoptive parents and other adults living in the household regardless of the funding source for the child's placement.

Rhode Island law makes explicit the State's commitment to kinship care as a resource for both the temporary and permanent care of children.

RIGL 14-1-27 requires the following:

- DCYF must investigate the possibility of placing the child or children with a fit and willing relative not residing with the parents. DCYF must assess the appropriateness of the relative placement within thirty (30) days of the child's placement in the temporary custody of DCYF. If the department determines that the relative is a fit and proper person to have placement of the child, the child shall be placed with that relative, unless the particular needs of the child make the placement contrary to the child's best interests. All placements with relatives shall be subject to criminal records checks in accordance with § 14-1-34 foster care regulations promulgated by DCYF, and interstate compact approval, if necessary.
- If DCYF proposes to place the child with a relative outside the state of Rhode Island, DCYF shall notify the parent who has an opportunity to file an objection to the placement with the family court within ten (10) days of receipt of that notice. A hearing shall be held before the child is placed outside the state of Rhode Island.
- If the request of a relative for placement of a child or children is denied by DCYF, that relative has the right to petition the court for review. The court shall within five (5) days of the request, conduct a hearing as to the suitability of temporary placement with that relative and then issue orders regarding the suitability of temporary placement with the relative based upon the information provided in the hearing.
- Whenever the court determines that permanent placement or adoption is in the best interest of a child, a fit and willing relative who has been awarded placement of the child shall be given priority over a non-relative.

RIGL 14-1-34 requires the following:

- DCYF is prohibited from issuing a license to any individual seeking to be licensed as a foster parent until such time as the results of both the nationwide and statewide criminal record

[background check, including the nature of any prior criminal record, are forwarded to the Department.](#)

RIGL 40-11-12.2, requires the following:

- Reasonable efforts must be made in permanency planning, and “prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child’s home. [Such ~~which~~](#) efforts shall include placement of the child with a blood relative or other family member if such a placement is in the best interest of the child.”
- Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunify the child with parents.

The Department utilizes licensed homes and group care facilities for children who are in need of placement. Federal law requires that a relative placement is subject to the same licensing standards and foster parent training that apply to a non-relative foster home. Certain licensing requirements, not related to safety, may be waived on an individual case basis for a kinship placement, as set forth in RIGL 23-28.13-27 through 23-28.13-34.

Additionally, if the child is already residing in an unlicensed kinship [foster](#) home, or if it appears that the best interests of the child will be served by placing the child in the home prior to licensing, the Department may, [in accordance with RIGL 14-1-34, grant “provisional” approval for a child to be placed in the kinship home prior to completing the licensing process for a period of up to six \(6\) months. authorize the placement in the home pending licensure for a period not to exceed six \(6\) months, provided that the Department has conducted a DCYF records check pursuant to RIGL 40-13.2-3.1 and a statewide criminal records check. If the Department is unable to complete the licensing process within six \(6\) months of the child’s placement in the kinship foster home and if the Department determines that continued placement of the child in the home is in the child’s best interest, the Department shall file a petition with the family court to seek authorization to allow the child to remain in the kinship foster home pending completion of the licensing process. The Department provides notice of all such petitions to the Office of the Child Advocate, the child’s parent/guardian and CASA attorney. This approval is conditional upon immediate DCYF and criminal records clearances.](#)

The need to identify and assess a kinship placement may come up more than once in the life of a case. If a child’s placement must be terminated for any reason, the parents should again be consulted regarding potential kinship caregivers. If the parents are not available, a current kinship caregiver or other relative might be able to indicate another caregiver within the family.

The Department, other state departments and private social service agencies recognize the invaluable service that kinship caregivers provide to the children in their care and to the community as a whole. Public and private agencies collaborate to offer support services to assist relative caretakers. Supports cover a wide range, including financial, training, some forms of housing assistance, mentoring, and respite care. Eligibility for certain financial and supportive services may depend upon the degree of relationship of the caregiver to the child.

Related Procedure:

[Kinship Care](#)

Kinship Care

Procedure From Policy 900.0025: Kinship Care

A. Early Identification of Kinship Placements

1. The Department has an affirmative obligation to investigate the possibility of placing a child or children with a fit and willing relative not residing with the parents. Relative is defined as:
 - a. Step-parent
 - b. Grandparent, great-grandparent, great-great-grandparent
 - c. Brother, half brother, adoptive brother, step-brother, sister, half sister, adoptive sister, step-sister
 - d. Uncle, great uncle, great-great-uncle, aunt, great aunt, great-great-aunt, (including uncle or aunt of whole or half blood)
 - e. Nephew, great nephew, great-great-nephew, niece, great niece, great-great-niece (including nephew or niece of whole or half blood)
 - f. First cousin (including first cousin of whole or half blood), first cousin once removed.
 - ~~a. Grandparent, including step-grandparent, great grandparent, adoptive grandparent~~
 - ~~b. Sibling; including half brother/half sister, stepbrother/stepsister, brother-in-law, sister-in-law, adoptive brother/sister~~
 - ~~c. Uncle or aunt of whole or half blood; including uncle-in-law/aunt-in-law, great uncle/great aunt~~
 - ~~d. First and second cousins; including cousin of whole or half blood, first and second cousins-in-law~~
 - ~~e. Stepmother or stepfather~~
 - ~~f. Nephew or niece; including nephew/niece of whole or half blood, nephew-in-law/niece-in-law, great nephew/great niece~~
 - g. Relatives of the putative father will be considered if his name appears on the child's birth certificate, if the father has admitted paternity in a court of proper jurisdiction, or if the father has signed an affidavit for DCYF or DHS.
 - h. Spouses of any of the persons in the above group continue to meet this relationship requirement even after the marriage is terminated by death or divorce.
2. If there is no blood relative available, consideration may also be given to placing a child with an individual who is part of the family support system such as a non-related godparent, close family friend, neighbor, clergy or other adult who has a close and caring relationship with the child. Such individuals are considered as kin for licensing purposes.
3. When a case is opened to DCYF for services, any assessment of the family's strengths and needs must also include any kin who could act to support the parents in addressing problems/issues. If at a later point in the case, it becomes necessary to bring the child into placement, the kinship support resource may be able to provide placement for the child.
4. At the time of the initial placement, parents must be asked if they know of any relative who might be willing to provide care for their child. If the parents are unwilling and/or unable to identify a potential caretaker, the worker may then ask the child for information, depending upon the child's age and other case issues.
5. If there is no information forthcoming from either parents or child, and the family has been involved with DCYF in the past, the case record should be used as a resource in identifying relatives for possible placement.
6. A known relative, who is although unable to become a caretaker, may be able to suggest another family member to provide care for the child.

7. If a placement is terminated, a kinship placement should again be sought.

B. Assessment of Homes

1. The Department conducts an assessment to determine the appropriateness of placement of the child or children with the identified relative within thirty (30) days of the child's placement in the temporary custody of DCYF.
2. In assessing a kinship care home, issues of child safety and well-being are of utmost importance. Careful and sensitive assessments must be made of kinship care homes with particular attention to the following areas:
 - a. History of involvement with DCYF or other child protective agency ~~(licensing regulations are specific regarding offenses and time frames that would preclude a prospective relative from becoming a kinship caregiver).~~
 - b. History of criminal charges ~~(licensing regulations offer specifics regarding criminal offenses).~~
 - c. The child's comfort level with the kinship caregiver.
 - d. The kinship caregiver must be committed to protecting the child's health and safety, and must demonstrate a willingness and an ability to protect the child from abuse and neglect, whether by the parents or others.
 - e. The kinship caregiver should be able to deny any unauthorized request by the parents for access to the child.
 - f. Ideally, the relationship between the caregiver and the parent should be positive. There are times, however, when a parent may object to the placement of the child with a relative. If the placement appears to be in the child's best interest and will not interfere with the Department's efforts to work with the family, the worker may proceed with the placement. If the parent continues to object, he or she may petition the Family Court for a change in placement.
 - g. The kinship caregiver understands the temporary nature of foster placement, the need for permanency planning, and has expressed a willingness to care for the child as long as may be needed.
 - h. Ideally, the kinship caregiver knows the child well.
 - i. The kinship caregiver should be physically healthy enough to care for the child.
 - j. Ideally, the kinship placement will be able to keep siblings together, or, at the least, allow them regular contact.
 - i. The Department must make reasonable efforts to place siblings together in the same kinship foster home unless it is contrary to the safety or well-being of any of the siblings.
 - ii. If siblings cannot be placed together because it is contrary to the safety or well-being of any of the siblings, the Department must make reasonable efforts to facilitate visitation or ongoing contacts with siblings that cannot be placed together.
3. If the department determines that the relative is a fit and proper person to have placement of the child, the child shall be placed with that relative, unless the particular needs of the child make the placement contrary to the child's best interests.
4. All kinship care placements must be licensed and are subject to criminal records checks, including fingerprinting, foster care regulations promulgated by DCYF and interstate compact approval, if necessary.
 - ~~a. If the child is already residing in an unlicensed kinship home, or if it appears that the best of interests of the child will be served by placing the child in the home prior to licensing, the Department will immediately process criminal and DCYF clearances.~~
 - ~~b. If clearances are favorable, the Department will issue provisional approval to the relative home for a period of six (6) months. During that period of time, the licensing process, including foster parent training is completed.~~

5. If DCYF proposes to place the child with a relative outside the State of Rhode Island, DCYF shall notify the parent who shall have an opportunity to file an objection to said placement with the Family Court within 10 days of receipt of said notice. A hearing shall be held before the child is placed outside the State of Rhode Island. Additionally, DCYF must ensure compliance with the Interstate Compact on the Placement of Children prior to an out of state placement.

C. Emergency Placement by CPS, FSU and Juvenile Correctional Services (Probation/Training School)

1. The placement of a child in a kinship home prior to completion of the licensing process requires verbal and written administrative approval. Verbal approval must be provided prior to placing the child and administrator must document his or her authorization in RICHIST in a Case Activity Note (CAN) within two working days of the verbal authorization. For purposes of this policy, placement authorization must be provided by one of the following administrators:
 - a. Administrator of CPS
 - b. Assistant Administrator
 - c. Assistant Director of CPS
 - d. Deputy Director
 - e. Assistant Probation and Parole Administrator
 - f. Associate Director, Community Corrections (Probation and Parole)
 - g. Chief Casework Supervisor
 - h. Chief Child Protective Investigator
 - i. Regional Director
 - j. RI Training School Superintendent
 - k. RI Training School Clinical Director
 - l. RI Training School Clinical Coordinator
2. Criminal Records Check - Placing worker completes statewide BCI and documents results on DCYF 034.
 - a. As part of the criminal records check, worker must obtain the details of any record of arrest and/or conviction from the arresting police department.
 - b. A child will not be placed in a home where a caretaker or member of the household has a history of disqualifying criminal activity.
 - c. A child will not be placed in a home where a caretaker or member of the household has a history of non-disqualifying criminal activity until the following steps have been completed.
 - i. If there is a history of criminal activity, the worker must provide an explanation of the details of his or her findings.
 - ii. If worker believes that it is in the best interest of the child to be placed with a caretaker who has a history of non-disqualifying criminal activity, worker must bring this information to the attention of his or her supervisor and administrator.
 - iii. This information is summarized in an attached memo to the DCYF 036A, Preliminary Assessment of a Child Specific (Kinship) Home in sufficient detail to justify the decision to place child(ren) in the home, allow the supervisor to make an informed recommendation to the administrator and enable the administrator to make an informed decision on the suitability of the caretaker to foster the child.
3. DCYF Records Check - Placing worker completes DCYF records checks and documents results on DCYF 035.
 - a. Worker must review all DCYF case records relating to any foster care applicant(s) and all household members, including records relating to the applicants and household members as children and juveniles.
 - b. A child will not be placed in a home where a caretaker or member of the household has a history of disqualifying information.

- c. A child will not be placed in a home where a caretaker or member of the household has a history of non-disqualifying information until the following steps have been completed.
 - i. If there is a history of non-disqualifying information, the worker must provide an explanation of the details of his or her findings.
 - ii. If worker believes that it is in the best interest of the child to be placed with a caretaker who has a history of non-disqualifying information, worker must bring this information to the attention of his or her supervisor and administrator.
 - iii. This information is summarized in an attached memo to the DCYF 036A in sufficient detail to justify the decision to place child(ren) in the home, allow the supervisor to make an informed recommendation to the administrator and enable the administrator to make an informed decision on the suitability of the caretaker to foster the child.
- 4. Preliminary Assessment of Child Specific (Kinship) Home - Worker meets with caretaker, completes a visual inspection of the caretaker's home prior to placing a child and completes the DCYF 036A.
- 5. Child Abuse and Neglect Registry Checks in Other States
 - a. Worker informs applicant that the licensing process includes a Child Abuse and Neglect Registry Check of the State Central Registry in each state that the prospective caretaker(s) and any other adult(s) living in the home have resided in the preceding five years.
 - b. Worker obtains written authorization to conduct this records check from applicant or household member on the DCYF 007B (Authorization to Obtain Confidential Information).
- 6. Worker obtains written authorization from the caretaker(s) on the DCYF 007B, Authorization to Obtain Confidential Information for a Physician's Reference.
- 7. Worker informs kinship caregiver of the following:
 - a. Caregiver and adult household members are required to schedule appointment with the DCYF Office of the Chief Child Protective Investigator within three business days and undergo nationwide criminal records checks, including fingerprinting, within seven (7) business days.
 - b. Caregiver is required to contact DCYF Licensing within seven (7) business days to initiate the fire inspection process.
 - c. Caregiver is required to contact the Adoption and Foster Care Preparation and Support Unit within seven (7) business days to schedule training.
 - d. Caregiver must work together with DCYF Licensing staff to schedule and complete the home study process as soon as possible.
 - e. The licensing process must be completed within six (6) months. If the licensing process has not been completed within this time frame, foster board payment from DCYF will be terminated.
- 8. Worker must assess the need and arrange for community services to assist the family in providing foster care.
- 9. Worker reviews with caregiver(s) the Kinship Caregiver Information and Signature Document, emphasizing the importance of completing the licensing process within six (6) months, and obtains caregiver(s) signatures on both the DCYF and Kinship Caregiver copies of the document. Worker provides the Kinship Caregiver Copy to the caretaker.
- 10. Worker submits completed Preliminary Assessment Packet (DCYF 036A, with attached DCYF 034, DCYF 035, DCYF 007B and, if applicable, a memo with details of criminal or DCYF history or physical or behavioral health issues of concern) to supervisor for approval.
- 11. Supervisor submits Preliminary Assessment Packet to administrator for approval. Administrator documents approval in RICHIST in a CAN within two (2) standard working days of the verbal authorization.

12. Worker forwards to Licensing the completed Preliminary Assessment Packet (DCYF 036A, with attached DCYF 034, DCYF 035, DCYF 007B and, if applicable, a memo with details of criminal history, RI DCYF history and physical or behavioral health issues of concern) approved by supervisor and administrator and retains a copy for the record.
13. If the placement is made by CPS, a copy of the packet is forwarded to FSU if the family is open to FSU, Juvenile Probation if the youth is open to Probation or to Intake with the Partial Packet if the family is not active.

D. Licensing of Kinship Homes Completed by Foster Care Licensing Staff

1. A relative placement is subject to the same licensing standards and foster parent training that apply to a non-relative foster home.
2. Under certain circumstances, a waiver may be granted regarding particular licensing requirements. Waivers are granted by the Licensing Administrator on a case-by-case basis for requirements other than those relating to safety.
3. Foster Care Licensing Unit Supervisor or designee ensures that the following steps are completed within seven (7) business days of receipt of the Preliminary Assessment Packet (DCYF 036A, with attached DCYF 034, DCYF 035, DCYF 007B and, if applicable, a memo with details of criminal or DCYF history and physical or behavioral health issues of concern).
 - a. Foster Care Licensing Application (DCYF 036) packet is sent to kinship provider.
 - b. Physician's Reference (DCYF 037) is sent to physician.
 - c. Request for Child Abuse and Neglect Registry Check is sent to State Central Registry in each state that the prospective caretaker(s) and any other adult(s) living in the home have resided in the preceding five years.
 - d. Review of the Preliminary Assessment Packet (DCYF 036A, with attached DCYF 034, DCYF 035, DCYF 007B and, if applicable, a memo with details of criminal or DCYF history or physical or behavioral health issues of concern) for completeness.
 - e. Initiation of the licensing process by creating a pending license and assigning the case to a Foster Care Licensing worker.
4. Foster Care Licensing worker is responsible to ensure that, in addition to all licensing steps outlined in DCYF Policy 900.0020, Licensing of Foster Care Homes, the following are completed in order for a foster home to be licensed:
 - a. DCYF 036, Foster Care Application and DCYF 036B, Adoption & Foster Care Self-Assessment Questionnaire and home study process
 - b. Completed DCYF 037, Physician's Reference, which indicates that the applicant is physically, mentally and emotionally competent to be a foster parent
 - c. Personal reference letters from three (3) individuals; two (2) must be unrelated to applicant(s)
 - d. Fire inspection
 - e. Foster Parent Training
5. Foster Care Licensing worker ensures that there is fifty (50) square feet of sleeping area and one (1) bed per child. This applies to all children in the home.
6. Foster Care Licensing worker must directly contact a physician in any case in which the Physician's Reference is ambiguous or raises questions regarding the suitability or competence of the applicant to be licensed as a foster parent.
7. In the event that the DCYF 036A identifies that an applicant is currently engaged in behavioral health treatment, the licensing worker shall obtain the necessary releases and contact the treatment provider to obtain information on the status of treatment and the suitability or competence of the applicant to be licensed as a foster parent.
8. Foster Care Licensing worker must conduct an independent review of nationwide and statewide criminal records checks of the applicants and household members as part of the licensing process and document in the home study the impact on the safety and service needs of any child to be placed in the home.

- a. A child will not be placed in a home where a caretaker or member of the household has a history of disqualifying criminal activity.
 - b. If an applicant or household member has a history of non-disqualifying information, the licensing worker must review this information with his or her supervisor to determine if the licensing process should proceed.
 - c. Results of this review, including justification for proceeding with the licensing process, must be documented in a Provider Activity Note (PAN).
9. Foster Care Licensing worker must conduct an independent review of DCYF case record(s) relating to any foster care applicant(s) and all household members, including records relating to the applicants and household members as children and juveniles, as part of the licensing process and document in the home study the impact on the safety and service needs of any child to be placed in the home.
 - a. A child will not be placed in a home where a caretaker or member of the household has a history of disqualifying information.
 - b. If an applicant or household member has a history of non-disqualifying information, the licensing worker must review this information with his or her supervisor to determine if the licensing process should proceed.
 - c. Results of this review, including justification for proceeding with the licensing process, must be documented in a Provider Activity Note (PAN).
10. Foster Care Licensing worker must review information received from the State Central Registry in each state that the prospective caretaker(s) and any other adult(s) living in the home have resided in the preceding five years.
 - a. Worker must document the results of the check on the DCYF 035.
 - i. If another state does not maintain a registry or if the state has an Administration for Children and Families (ACF) approved delayed effective date, worker must document on the DCYF 035 and this will not affect licensure.
 - ii. If another state does maintain a registry and is unwilling to provide this information, a license may not be issued until the information is received. Worker must document on the DCYF 035 and inform the Licensing Administrator or designee, who will notify the ACF regional office.
 - b. If an applicant or household member has a history of non-disqualifying information, the licensing worker must review this information with his or her supervisor to determine if the licensing process should proceed.
 - c. Results of this review, including justification for proceeding with the licensing process, must be documented in a Provider Activity Note (PAN).
11. At any time during the licensing process, if CPS, FSU or Juvenile Corrections staff and Licensing staff do not agree about the fitness of a caretaker, the issue is resolved through the mutual chain of command.
12. The Department may authorize the placement of a child in a kinship foster home pending licensure for a period not to exceed six (6) months. This approval may be granted only upon the completion of the DCYF records check, statewide criminal records check and approved DCYF 036A. If the licensing process has not been completed within this time frame, foster board payment from DCYF will be terminated.

C. Licensing

- ~~1. A relative placement is subject to the same licensing standards and foster parent training that apply to a non-relative foster home. Refer to Policy 900.0020, Licensing of Foster Care Homes.~~
- ~~2. Under certain circumstances, a waiver may be granted regarding particular licensing requirements. Waivers are granted by the Licensing Administrator on a case-by-case basis for requirements other than those relating to safety.~~
- ~~3. The licensing study is performed by the Department's Licensing Division and requires the following information regarding the character of the kinship caregiver(s) and home environment prior to issuance of a license:~~

- ~~a. Criminal records check, including fingerprinting, of the caregiver and those individuals living in the home who are eighteen (18) years of age or over.~~
- ~~b. DCYF records clearance of the caregiver and those individuals living in the home who are eighteen (18) years of age or over.~~
- ~~c. Fire inspections of the foster home.~~
- ~~d. Physician's Reference.~~
- ~~e. Completion of an application and a home study.~~
- ~~f. Necessary sleeping space for each child—fifty (50) square feet of sleeping area, and one (1) bed per child. This includes all children in the home.~~
- ~~g. Completion of Foster Parent Core Training.~~

4.13. A foster care license cannot be granted to a kinship home when the child's natural parent or legal guardian resides with the relative caretaker of the child, unless an exempting condition is present. Specific exemptions may be granted with written documentation from a reliable professional that the natural parent or legal guardian is not capable of parenting the child due to a physical or emotional handicapping condition.

5.14. The Department will immediately remove a child from any home when there is reasonable cause to believe that there exists imminent danger to the child's well being.

6.15. If the kinship applicant does not meet the Department's required standards for licensing, is not granted a waiver, or refuses to cooperate in the licensing process, it will be necessary to terminate the child's placement and locate a placement which meets the Department's standards. The applicant will be notified in writing of the Department's decision regarding licensing, the reason for denial if it is decided that the home will not be licensed and of the right to appeal.

7.16. If the request of a relative for placement of a child or children is denied by DCYF, that relative shall have the right, in accordance with RIGL 14-1-27, to petition the court for review. Within five (5) days of the request, the court shall conduct a hearing as to the suitability of temporary placement with said relative. The court will then issue orders regarding the suitability of temporary placement with the relative, based upon the information provided in the hearing.

E. Kinship Home that is not licensed within six (6) months

1. If the Department is unable to complete the licensing process within six (6) months of the child's placement in the kinship foster home and if the Department determines that continued placement of the child in the foster home is in the child's best interest, the Department shall file a petition with the family court to seek authorization to allow the child to remain in the foster home pending completion of the licensing process.
2. The Department's legal office provides notice of all such petitions to the Office of the Child Advocate, the child's parent/guardian and CASA attorney.

D-F. Support Services

1. The Department is cognizant of the invaluable service that kinship caregivers provide to the children in their care and to the community as a whole and provides support services to caregivers to assist them in their work.
2. If a child was eligible for TANF funding before coming into care, a relative caretaker who is a blood relation may choose to continue to receive TANF payments and medical assistance for the child under TANF guidelines. In addition, such a relative may be eligible to receive TANF and medical assistance for themselves if they meet the income guidelines established through the RI Department of Human Services. (It should be noted that all kinship placements must be licensed, regardless of their choice of funding.)
3. Kinship caregivers who do not wish to receive TANF funds (or not eligible for such funds) will receive foster board payments from the Department. The amount of the foster board payment is based on the age of the child and the types of activities, beyond what would

be considered to be routine, that the foster parent performs for the child. A child receiving foster board also receives medical coverage through the Department.

4. There are resources available that may assist relatives to improve their own property to conform to licensing standards. Additionally, there are programs that will help families move to more appropriate rented and/or subsidized housing if their present residence is not in compliance with space requirements or other safety codes. This information is available to the foster parents through the Foster Parent Association, and the Foster Parent Liaison.
5. The Rhode Island Foster Parents Association maintains a Help Line and a Mentor Program for both non-relative and relative foster parents. Kinship caregivers are linked with other experienced kinship care providers who are able to provide information and support pertinent to the needs of kinship foster homes.
6. Respite care is available to kinship caregivers in situations where they must be absent and will be unable to care for the child for a period of time. Respite care may be required due to a family emergency, a planned vacation that cannot include the child, or situations where the caseworker and caregiver agree that respite may be necessary for the survival of the placement. Refer to [Policy 700.0205, Respite Care Services](#).

E.G. Permanency and Concurrent Planning

1. In order to support safety, well-being and permanency for children, reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts to reunify the child with parents.
 - a. The social worker and supervisor must first assess the appropriateness of the case for concurrent planning and then obtain the approval of the regional director.
 - b. Cases involving kinship placements shall be considered for concurrent planning based on the assessment criteria outlined in Policy 700.0215, Concurrent Planning.
 - c. Kinship caregivers will be provided with information about concurrent planning and encouraged to participate in the concurrent planning process.
 - d. Case planning for reunification in concurrent planning cases engages both the birth family and the placement family in cooperative efforts toward permanency.
 - e. In most cases, kinship caregivers already possess knowledge of the child and are supportive of the family unit. These factors may make them ideally suited for concurrent planning efforts.
2. State law (RIGL 14-1-27) provides that whenever the court determines that permanent placement or adoption is in the best interest of a child, a fit and willing relative who has been awarded placement of the child shall be given priority over a non-relative, provided that such placement or adoption is in the best interest of the child.
3. [Adoption Subsidy or Guardianship Subsidy may be available in accordance with DCYF Policies 700.0090, Adoption Subsidy and 700.0045, Legal Guardianship.](#)